

Monday, 10 o'clock, a. m.
January 31st, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Brashear, Bache, Clark, Cuny, Dancy, Gage, Grimes, Jewett, McRea, Navarro, Perkins, Phillips, Wallace, Williams and Wootten—quorum present.

The journal of the preceding day was read and adopted.

Mr. Perkins, Chairman of the committee on Engrossed Bills, reported a bill to be entitled an act to amend an act entitled an act to prescribe the time for the biennial meeting of the Legislature of the State of Texas, correctly engrossed.

Mr. Dancy, Chairman of the committee on State Affairs, made the following reports:

Committee Room, }
Jan'y. 29th, 1848. }

J. A. GREER,

President of the Senate:

The committee on Affairs of State, to whom was referred a "Resolution proposing the amendment of the Constitution;" after mature deliberation, have instructed me to make the following report.

Although the proposed amendment makes a great change in the Constitution of the State, they believe that the good of the country requires it to be done. By taking from the people the right to elect the most important officers of the State, we degrade the elective franchise, and by securing that right to them, we elevate and dignify it. Give this glorious privilege to the people, and that apathy which has been observed in every part of the State, will disappear. We may then expect to see the qualified electors come to the polls, conscious that they are exercising one of the dearest rights of freemen, and fully sensible of the importance of casting their votes for those who are best qualified to advance the prosperity and glory of their country. Believing it to be unnecessary to say more, to sustain a proposition which is so manifest to all who advocate the rights of man to self government. The committee have

instructed me to report a Joint Resolution, as a substitute for the Resolution referred, and recommend its adoption.

JON W. DANCY, Chairman.

Committee Room, }
Jan. 29, 1848. }

J. A. GREER,
President of the Senate:

A majority of the committee on Affairs of State, to whom was referred "a bill to be entitled an act to amend the Constitution of the State of Texas;" after considering the same, have instructed me to report the following amendments.

1st. Strike out of the caption "a bill to be entitled an act," and insert "Joint Resolution."

2nd. Strike out "enacted" wherever it occurs in the bill, and insert "resolved," and recommend their adoption.

The committee believe that the adoption of the amendment proposed would secure to a meritorious class of our citizens, a right of which the Constitution now deprives them, in violation of true republican principles. No man should be deprived of any of the rights of a citizen on account of his vocation. Believing that the section of the Constitution which the amendment proposes to strike out is inconsistent with the spirit of the age in which we live, and that it is a relic of that spirit of persecution which has descended to us from the *dark ages*, the committee have instructed me to report the bill back to the Senate, with the foregoing amendment, and recommend its passage as amended.

JON W. DANCY,
Chairman.

Mr. Abbott made the following report:

Committee Room,
Jan. 31st, 1848.

Hon. J. A. GREER,
President of the Senate:

The committee on Enrolled Bills have instructed me to re-

port that, "an act to incorporate the Town of Bonham, in the county of Fannin," has been correctly Enrolled, and was also transmitted to the Governor, on the 28th instant, for approval.

W. C. ABBOTT,
Chairman.

Mr. Cuny made the following report :

Hon. J. A. GREER,
President of the Senate :

The committee on Contingent Expenses, to whom was referred a resolution of the Senate, instructing said committee to contract for the printing of three hundred and fifteen copies of the Report of the Comptroller, make the following report :—

That the committee have contracted with the proprietors of the Austin Democrat for the number called for by the resolution, to be furnished at two-thirds of a cent per page—each report contains forty-six pages, and makes the whole number of fourteen thousand four hundred and ninety pages, which, at two-thirds of a cent per page, amounts in the aggregate to the sum ninety-six dollars and sixty cents.

PHIL. M. CUNY,
Chairman,

Mr. Phillips made the following report :

Committee Room,
January 29th, 1848.

Hon. JOHN A. GREER,
President of the Senate :

The select committee appointed to examine into the condition of the Adjutant General's Office, submit to the Senate the following facts for their consideration :

The committee find that the business of that office seems to have been conducted, for the last two years, with accuracy, and in a systematic manner. The books and papers are in good order, and all the files properly arranged, numbered and labelled.

The business however, of this department, as connected with

the Republic of Texas, will require much attention. There is still a large amount of this business unsettled, which the interest of individuals, as well as of the State, demands, should be brought to a close as speedily as possible. There are many open accounts still standing on the books, and until these are finally settled, it will be impossible for the State to determine its liabilities. Many individuals have demands against the State for land and money due through this department. Some are heirs residing in other States of the Union, who are perhaps not aware of the rights secured to them as such, by our laws. There are too, on file, many documents in the form of loose receipts, army and naval correspondence of great importance, and which, (as a matter of security for unjust demands, no less than as containing valuable historical information,) your committee think ought to be recorded in well bound books, and preserved; to accomplish these objects with the least possible delay, and at the same time to do full justice to individuals and the country, your committee submit the following suggestions as proper to be observed by the officer of that department.

First,—To make an alphabetical list of the names of all officers and men who have, at any time been connected with that department up to the time of annexation, noting their residence.

Second,—An estimate of the whole amount of land due through that department.

Third,—The amount of pay due in money.

Fourth, The amount of land for which certificates have issued, and the amount still due.

Fifth,—The amount of pay which has been discharged, and the amount still due.

Your committee also recommend the publication of the names of all those whose accounts are unsettled, and that a law be passed limiting the time which original claimants or their legal representatives shall have within which to receive their dues from that office, whether scrip for land or certificates for pay.

The law should also require a report from that department to be submitted to the Legislature through the Executive, at each session, that such action may be taken in relation to that department as may be necessary. They also recommend the sale of all the property appertaining to that office, which is no longer needed by the State.

A. H. PHILLIPS, Chairman.

Mr. Jewett made the following report :

*To the Hon. President of the Senate,
and Speaker of the House of Representatives :*

The special committee raised by the Senate and House of Representatives, for the purpose of examining into the condition of the offices of Comptroller of Public Accounts and Treasurer of the State, having performed the duty imposed upon them, instruct the undersigned to report that they find said offices to have been conducted in all respects as well as could be desired.

The committee take pleasure in stating, that they examined the condition of the Treasury Department in reference to the biennial reports made by the Comptroller and Treasurer of the State, and find that said reports contain a true and correct statement of the condition of their respective offices. Your committee with a view to the ascertainment of the amount of monies, outstanding and due the State, from individuals having the collection of impost duties and direct taxes, under the laws of the late Republic of Texas, as also the amount of monies due the State by individuals having the collection of taxes under the laws of the State, requested the Comptroller of Public Accounts to furnish them with a written statement of the names of individuals having the collection of impost duties under the laws of the late Republic of Texas, and the amount of money by such individuals now due the State, as also, the aggregate amount due by individuals having the collection of direct taxes under the laws of the late Republic of Texas and State of Texas, which statement is herewith submitted to the two Houses of the Legislature for their inspection. They also herewith submit, to the inspection of the Legislature, a written statement of the Treasurer of the State, showing the amount of money now in the Treasury subject to disbursement.

Your committee cannot close this report without directing the attention of the Legislature to that part of the statement of the Comptroller, which suggests the propriety of the appointment of a fiscal agent, to superintend, receive and transmit the revenue to the Treasury department, as the same may be collected by the collectors of taxes. The committee, from investigation and consultation with the Comptroller, and fully sensible of the importance of such an officer, and that the present expensive and embarrassing system of transmitting the revenue to the Treasury De-

partment, serves in many instances as a pretext to individuals to withhold the amounts by them collected from the State, for private purposes, thereby depriving the State of the immediate use of its revenue; whereas if such an officer existed, the revenue collected by the several collectors of taxes, would be paid over to such officer when called for; this system your committee are fully persuaded, would greatly facilitate the collection of the revenue,—they believe that the interest of the State requires the aid and assistance of such an officer, and the enactment of a law more effective than any which now exists, compelling officers having the collection of the revenue, to pay the same over, as soon as collected; the committee therefore respectfully invite the special attention of the Legislature to this subject.

Having, as they believe, fully discharged the duty imposed upon them, the committee ask to be discharged from the further investigation of the Treasury Department.

H. J. JEWETT,

Chairman on the part of the Senate.

B. F. TANKERSLEY,

Chairman on the part of House.

Mr. Phillips offered the following resolution:

Resolved, That the committee on Finance be requested to take into consideration the propriety of passing a fee-bill for the General Land Office."

Adopted.

Mr. Clark introduced joint resolution authorizing and requiring the Comptroller of Public Accounts to receive and examine and settle the accounts of Hugh S. Hope, late sheriff of Harrison county.

Read first time.

Mr. Clark introduced a bill to be entitled an act to establish the Judicial Districts of the District Courts.

Read first time.

Mr. Bourland, made the following report:

Committee Room,
January 31st, 1848.

Hon. J. A. GREER,

President of the Senate:

Your committee on Public Lands, to which was referred "A

bill to be entitled an act to prohibit the Boards of Land Commissioners in each county in this State from issuing certificates to any claimant whatsoever, unless the applicant or claimant shall previously thereto have received a conditional certificate from some competent board," have had the same under consideration, and have instructed me to report the same back to the Senate, with amendments, and recommend its passage.

First amendment—

First section, in third line, strike out the word "the" and insert "this."

Second amendment—In same line, after the word "State," strike out to word "shall," in 4th line.

JAMES BOURLAND, Chairman.

The Senate proceed to the Orders of the Day.

A bill to be entitled an act for the relief of Jeremiah Bowlin: read first time.

A bill to be entitled an act to exclude fraudulent land certificates from being evidence of title to land, and to prohibit the issuing of legal process upon the same: read first time.

A bill to be entitled an act for the relief of John Keizer: read first time.

A bill to be entitled an act to create the county of Medina: read first time.

A bill to be entitled an act to provide for locating the seat of justice for the county of Newton: read first time.

A bill to be entitled an act concerning the forfeiture of certain neat cattle, hogs or sheep: read first time.

A bill to be entitled an act to create the county of Hays: read first time.

A bill to be entitled an act to create the county of Gillespie: read first time.

A bill to be entitled an act to organize the Militia of Newton county: read first time.

A bill to be entitled an act to create the county of Caldwell: read first time.

A bill to be entitled an act to establish the county seat of Denton county: read first time.

A bill to be entitled an act to locate permanently the seat of justice of De Witt county: read first time.

A bill to be entitled an act to exempt certain property from

taxation, designed and used for purposes of religious worship and of education: read first time.

On motion of Mr. Wallace, "the bill to be entitled an act to authorize and require the Commissioner of the General Land Office to receive gold and silver at the rate of one dollar thereof for eight dollars in Texas Promissory Notes, for all government dues upon land, and patents for land," was taken up and placed among the orders of the day.

A bill to be entitled an act providing for the sale of the property belonging to the State of Texas, formerly used by the late government for custom purposes: read second time, and on motion of Mr. Gage, referred to the committee on State Affairs.

A bill to be entitled an act to fix the time of holding elections for the several State and county officers, and for Representatives to the United States Congress: read second time, and,

On motion of Mr. Jewett, referred to the committee on Privileges and Elections.

A message was received from the House of Representatives, informing the Senate that the House had concurred in the amendments of the Senate to the following bill and joint resolution, viz.:

A bill to be entitled an act to authorize the city of Galveston to appoint firemen, and to exempt the same from militia and jury duty:

Joint resolution requesting the Senators and Representatives of Texas in the Congress of the United States, to protest against the relinquishment of the Mexican Provinces or States conquered by, and in possession of the United States, without indemnity: and also to protest against any law which shall be intended to prevent the citizens of slaveholding States from taking their property with them, in emigrating to said acquired territory.

And that the House refuse to concur in the amendment of the Senate to a bill to be entitled an act authorizing persons who have received donation certificates under the provisions of "an act granting lands to those who were in the battle of San Jacinto, and other battles," approved December 20th, 1837, to alienate said certificates, and the lands acquired under them.

Joint resolution relative to a digest of the laws of the late Republic of Texas, and of such of the laws of Coahuila and Texas as relate to the landed interest of Texas, and of the past and present sessions of the Legislature: read second time.

Mr. Dancy moved to lay the resolution upon the table :
Upon which the yeas and nays were called, and stood thus :
Yeas—Messrs. Abbott, Bourland, Brashear, Dancy, Grimes,
Perkins, and Williams—7.

Nays—Messrs. Bache, Clark, Cuny, Gage, Jewett, McRae,
Navarro, Phillips, and Wallace—9.

So the motion was lost.

Mr. Bourland moved to amend by inserting in the caption
before the word "the," in the first line, the word "all," and in
the fifth line, after the word "of," "all the laws of," and in sec-
tion 1st line 12th, after the word "arranged," insert the word
"all."

Adopted.

Mr. Wallace moved to amend by inserting after the word
"of," in the 15th line, same section, the words "all the laws of."

Adopted.

Mr. Brashear moved to lay the resolution upon the table un-
til to-morrow.

Lost.

Mr. Perkins moved to amend by inserting after the word
"Gillespie," wherever it occurs, the words "or any other per-
son."

Lost.

The resolution was then ordered to be engrossed.

A bill to be entitled an act for the relief of Alfred Johnson :
read second time, and,

On motion of Mr. Williams, referred to the committee on
Private Land Claims.

Joint resolution in behalf of Edward A. Weyman, a resident
citizen of Nueces county : read second time, and,

On motion of Mr. Cuny, referred to the committee on State
Affairs.

Joint resolution authorizing the Comptroller of Public Ac-
counts to provide a residence in the city of Austin for the use
of the Executive of the State : read second time, and,

On motion of Mr. Jewett, referred to the committee on Fi-
nance.

Joint resolution instructing our Senators and requesting our
Representatives in Congress to use their influence to procure
the incorporation of our officers in the late Navy of Texas, into
the Navy of the United States : read third time and passed.

A bill to be entitled an act to amend an act entitled an act to prescribe the time for the biennial meeting of the Legislature of the State of Texas : read third time and passed.

A bill to be entitled an act to suppress Banking: read second time, and,

On motion of Mr. Abbott, referred to the committee on the Judiciary.

A bill to be entitled an act to authorize and require the Commissioner of the General Land Office to receive gold and silver, at the rate of one dollar thereof for eight dollars in Texas Promissory Notes, for all government dues upon land, and patents for land.

Read second time, and ordered to be engrossed.

Mr. Grimes moved that the Senate recede from their amendment to the bill to be entitled an act authorizing persons who have received donation certificates under the provisions of "an act granting lands to those who were in the battle of San Jacinto and other battles," approved December 20th, 1837, to alienate said certificates, and the lands acquired under them.

Lost.

On motion of Mr. Williams, a committee of conference was appointed on the above named bill. Messrs. Williams, Dancy and Gage were appointed said committee.

Mr. Grimes offered the following resolution :

"*Resolved*, That the committee on Finance be required to enquire into the propriety of requiring by law the Secretary of State to charge fees for services performed in his office, where the State is not concerned, and that they be required to report by bill or otherwise."

Adopted.

On motion of Mr. Phillips,

The Senate adjourned until 10 o'clock, to-morrow morning.

Tuesday 10 o'clock, A. M.
February 1st, 1848.

Senate was called to order by Mr. Jewett.